

**European Union**

Delegation of the European  
Commission to the United  
States  
2300 M Street, NW  
Washington, DC 20037  
Telephone: (202) 862-9500  
Fax: (202) 429-1766

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**EU Law + Policy Overview****EU SMOKING AND TOBACCO POLICY**

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*"Tobacco use is the most significant avoidable source of disease and premature mortality. In the European Union alone, over 500,000 deaths per year are caused by tobacco consumption while globally 4 million die annually from tobacco. Smoking leads to significant death and disease from cancer, cardiovascular disease and respiratory disease in adults as well as severe health effects in children exposed to tobacco smoke. The death toll caused by tobacco consumption can and must be avoided."*

[Statement issued jointly by EU Health and Consumer Affairs Commissioner Dav Byrne and World Health Organization (WHO) Director General Dr. Gro Harlem Brundtland prior to the October 2000 launch of negotiations for a WHO Framework Convention on Tobacco Control (FCTC).]

For all the reasons stated above, the EU has dedicated itself to combating smoking on both a Community and an international scale. Since 1986, the *Europe against Cancer Program* has supported projects that inform the public about the dangers of smoking. The Program also seeks to improve the health of its citizens by reducing the number of cases of cancer and other smoking related diseases.

The *Treaty Establishing the European Community* (Article 152) assigns the Community a specific role in public health:

"1. A high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities.

Community action, which shall complement national policies, shall be directed towards improving public health, preventing human illness and diseases, and obviating sources of danger to human health. Such action shall cover the fight against the major health scourges, by promoting research into their causes, their transmission and their prevention, as well as health information and education...."

While many anti-smoking measures fall within the legal purview of the EU member states, the EU itself is in an excellent position to promote a better and more coherent overall strategy to combat smoking.

EU legislation on smoking and tobacco includes the tobacco products directive, the television broadcast directive and the recent directive on tobacco advertising and smoking prevention. These laws regulate the contents, packaging and labeling of tobacco products; they impose the obligation to provide health warnings; and they ban direct tobacco advertising in print media, on television, on the radio and on the Internet.

Where the law dictates that the EU cannot legislate, but the member states can, the EU has developed a complementary set of non-binding recommendations for member states.

## LEGISLATION

1. "Council Directive 89/552/EEC (text; consolidated version) of October 3, 1989 on the coordination of certain provisions laid down by Law, Regulation or Administrative Action in member states concerning the pursuit of television broadcasting activities," as amended by Council Directive 97/36/EC (text; consolidated version).

**Article 13 requires that all forms of television advertising and online shopping ("teleshopping") for cigarettes and other tobacco products be prohibited.**

2. "Directive 2001/37/EC (full text) of the European Parliament and of the Council 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the member states concerning the manufacture, presentation and sale of tobacco products."

**Known as the "tobacco products directive," this legislation replaces several earlier directives and aims to align national laws more closely in several areas:**

### 1. Labeling

- **Larger warning labels are required on all tobacco products;**
- **Descriptors suggesting that one tobacco product is less harmful than another are banned;**
- **Each tobacco product package will be marked for identification and traceability to ensure compliance.**

### 2. Additives and Addictive Substances

- **Manufacturers and importers must submit to the member states a list of all ingredients (and quantities thereof) used in the manufacture of tobacco products according to brand name and type. Reasons must be provided for inclusion of these ingredients, indicating their function and category. Toxicological data and information on health effects should be submitted when available.**

**3. Maximum levels of tar, nicotine and carbon monoxide are established for cigarettes marketed or manufactured in the EU (from January 1, 2004) and for export (from January 1, 2007):**

- **10 mg. per cigarette for tar;**

- **1 mg. per cigarette for nicotine;**
- **10 mg. per cigarette for carbon monoxide.**

3. "Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the tobacco advertising and sponsorship of tobacco products."

**Aimed at harmonizing member state rules, this directive legislates a general ban on tobacco advertising in the press and on the Internet. Advertising of tobacco products via radio and the sponsorship of radio programs by tobacco companies are also banned, along the same lines as television advertising under the "Television without Frontiers" Directive. Additionally, it addresses banning sponsorship of events with cross-border effects that aim to promote tobacco products.**

#### **NON-BINDING RECOMMENDATIONS/RESOLUTIONS**

1. "Council Recommendation 2003/54/EC (full text) of 2 December 2002 on the prevention of smoking and on initiatives to improve tobacco control" is addressed to the member states, and it concerns aspects of tobacco control that are the responsibility of the member states, including:

- **tobacco sales to children and adolescents;**
- **tobacco advertising and promotion that has no cross-border effects;**
- **provision of information on advertising expenditure;**
- **environmental effects of tobacco smoke.**

2. Council Resolutions:

"Council conclusions of 18 November 1999 on **combating tobacco consumption**" (OJ C 086, March 24, 2000; full text)

"Council Resolution of 26 November 1996 on the **reduction of smoking** in the European Community" (OJ C 374, December 11, 1996; text)

"Conclusions of the Council and the Ministers for Health, meeting within the Council of 27 May 1993 on the response to the Resolution on **banning smoking in places open to the public**" (OJ C 174, June 25, 1993; text)

"Resolution of the Council and the Ministers for Health of the member states, meeting within the Council of 18 July 1989 on **banning smoking in places open to the public**" (OJ C 189, July 26, 1989; text)

An overview of EU actions and policies on smoking is available on the SCADPlus database.

#### **INTERNATIONAL**

Health & Consumer Protection  
Commissioner David Byrne  
First to Sign Framework



**Convention on Tobacco  
Control, Geneva, June 16,  
2002**

On October 22, 1999, the Council granted the European Commission a mandate negotiate the World Health Organization's (WHO) International Framework Convention on Tobacco Control (FCTC) on behalf of the EU. Negotiations for this legally binding convention were concluded on March 1, 2003. The 192 members the World Health Organization unanimously adopted the FCTC on May 21, 2003. Once ratified by at least 40 WHO member states, the Convention will enter into force. (The EU was the first to sign the Convention.) This global health treaty—the first ever created under the auspices of the World Health Organization—includes international rules on tobacco taxation, smoking prevention and treatment, illicit trade, advertising and promotion and product regulation.

Tobacco control and development policy: EC development cooperation offers effective ways of addressing tobacco control. Leading experts in the field emphasize the negative health impact of growing tobacco consumption in developing countries as well as the economics of this issue.

The United States timeline and tobacco control: Almost 40 years ago, on January 11, 1964, Luther L. Terry, M.D., Surgeon General of the United States Public Health Service, released the report of the Surgeon General's Advisory Committee on Smoking and Health. That landmark document, now referred to as the first Surgeon General's Report on Smoking and Health, was America's first widely publicized official recognition that cigarette smoking is a cause of cancer and other serious diseases.

According to the US Centers for Disease Control and Prevention, *"The [subsequent] antismoking campaign has been a major public health success. Those who have participated in this campaign can take pride in the progress that has been made. About 48 million American adults smoke, but approximately 42 million more would have smoked without smoking prevention activities. This achievement has few parallels in the history of public health. It was accomplished despite the addictive nature of tobacco and the powerful economic forces promoting its use."*

#### **EU STATISTICS ON SMOKING**

## HEALTH

Percentage of population (aged over 15) who are cigar  
by sex and age

	Total			15-24			25-34			Male
	Male	Female	All	Male	Female	All	Male	Female	All	
<b>EU-15</b>	40.2	28.0	33.9	43.0	39.5	41.3	45.7	38.1	41.9	45.1
<b>B</b>	46.9	28.2	37.2	52.6	38.2	45.7	55.1	39.9	47.6	48.7
<b>DK</b>	32.4	43.7	38.2	26.6	48.9	34.5	32.8	37.7	35.3	31.8
<b>G (W)</b>	40.9	27.2	33.8	45.3	44.5	44.9	48.9	37.0	42.2	40.5
<b>EL</b>	58.1	32.2	44.9	46.5	43.3	44.9	64.2	53.2	58.8	73.8
<b>E</b>	47.0	28.3	37.3	46.4	45.2	45.8	48.8	49.9	49.3	53.9
<b>F</b>	42.7	34.2	38.3	53.3	52.8	53.1	56.4	46.1	51.2	51.5
<b>IRL</b>	37.5	27.3	32.3	32.0	26.9	29.5	33.5	27.6	30.5	55.0
<b>I</b>	34.7	19.6	26.0	33.9	23.4	28.7	37.5	22.1	29.9	33.8
<b>L</b>	38.9	28.8	33.7	50.1	39.1	44.7	43.2	32.9	38.3	42.1
<b>NL</b>	36.6	26.5	31.4	34.3	28.8	31.6	39.4	26.4	33.0	44.5
<b>A</b>	46.5	29.0	37.8	45.0	38.8	42.0	69.7	43.3	46.6	62.8
<b>P</b>	44.2	22.8	28.1	32.9	16.4	24.7	66.3	28.6	30.4	54.5
<b>FIN</b>	39.5	21.5	30.1	33.7	28.7	31.2	48.9	29.8	34.3	40.6
<b>S</b>	29.2	22.9	22.1	19.9	26.1	21.0	20.3	34.1	26.4	20.7
<b>UK</b>	37.0	45.1	34.9	45.3	41.4	43.4	34.7	42.8	38.7	48.7

Percentage of population (aged over 15) who are cigar  
by sex and age

	45-54			55-64			Male
	Male	Female	All	Male	Female	All	
<b>EU-15</b>	45.5	28.4	36.9	34.6	19.8	27.0	24.1
<b>B</b>	47.8	27.0	37.5	41.7	22.9	32.0	31.1
<b>DK</b>	39.9	48.1	44.0	28.6	41.2	35.0	39.1
<b>G (W)</b>	45.3	33.6	39.5	34.5	16.8	25.8	22.1
<b>EL</b>	82.9	36.4	59.6	40.4	16.0	31.3	36.0
<b>E</b>	65.1	20.8	42.5	52.2	7.4	29.8	18.1
<b>F</b>	40.5	30.8	35.7	32.1	22.6	24.2	21.1
<b>IRL</b>	37.9	23.4	30.7	25.1	26.4	25.7	32.1
<b>I</b>	44.9	19.9	32.3	36.1	14.0	24.2	23.1
<b>L</b>	36.4	29.6	31.1	40.1	30.7	35.4	19.1
<b>NL</b>	35.7	37.1	36.4	41.6	22.5	32.0	20.1
<b>A</b>	50.9	20.6	35.5	35.3	17.5	26.1	26.1
<b>D</b>	54.6	6.4	29.6	38.7	11.3	17.1	20.1
<b>FIN</b>	61.8	19.5	40.8	35.2	11.9	16.1	15.1
<b>S</b>	22.6	32.8	27.6	11.2	24.2	10.8	17.1
<b>UK</b>	34.0	32.4	33.2	32.9	29.4	31.2	28.1

Source: Eurostat Yearbook 2002

## EU INITIATIVES AGAINST SMOKING

## Europe Against Cancer

The Community action plan against cancer was adopted for the period of January 1996 to December 31, 2000. The plan contains 22 measures, covering the essential fields of data collection, public information, education, cancer training for health-care workers, early detection and systematic screening, studies and measures relating to the quality of care and research.



Feel Free to Say No

This is a European Commission information campaign that primarily targets young people between ages 12 and 18, an age range during which more than 80 percent of smokers take up the habit.

#### European Network for Smoking Prevention (ENSP)



Funded by the European Commission, the European Network on Smoking Prevention is the main coordinating body for smoking prevention. The ENSP is governed by a general assembly consisting of 2 representatives from each of the national coalitions against tobacco of the 15 member states of the European Union and of 1 representative from each of the specialized European tobacco control networks (INWAT Europe, ENYPAT, European Network of Smoke-Free Hospitals)

INWAT Europe (International Network of Women Against Tobacco in Europe) This project is supported by a grant from the Europe Against Cancer program of the European Commission.



#### World Health Organization, Regional Office for Europe—Tobacco Free Europe (TFE)

The program's main goal is to focus international attention, resources and action on the tobacco epidemic and efforts to control it in Europe. It works to ensure that governments, international agencies and other partners are well equipped to implement national and transnational approaches to tobacco control. This program works closely with the World Health Organization's Tobacco Free Initiative. It also sponsors World No Tobacco Day.

#### European Network on Young People and Tobacco (ENYPAT)

An action supported by the Europe Against Cancer program of the European Commission.



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